

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

JESSE M. NEAL,)
Petitioner,)
v.) Nos. 2:12-CR-122-01; 2:16-CV-178
UNITED STATES OF AMERICA,)
Respondent.)

JUDGMENT

In accordance with the accompanying Memorandum Opinion, Petitioner Jesse M. Neal's pending motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 [Doc. 1] is **DISMISSED** without prejudice pursuant to his notice of voluntary dismissal [Doc. 11]. Fed. R. Civ. P. 41(a)(1)(A)(i) and 41(B). Petitioner's motion to supplement his § 2255 motion [Doc. 4] and the United States' motion to deny and dismiss [Doc. 12] are **DENIED** as **MOOT**. If Petitioner files a notice of appeal from this Order, it will be treated as an application for a certificate of appealability, which is **DENIED** because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b). Also, the Court **CERTIFIES** that any appeal from this order would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). Finally, the Clerk is **DIRECTED** to close this case.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan

United States District Judge

ENTERED AS A JUDGMENT

s/ John Medearis
CLERK OF COURT